

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THOMAS A. WEBER,

Plaintiff,

V.

TIME WARNER, INC., *et al.*,

## Defendants.

Case No. C05-1706L

## ORDER DENYING MOTION TO COMPEL

This matter comes before the Court on “plaintiff’s suggestion that court enter show cause order.” (Dkt. #76). The “suggestion” sought an order “requiring the Defendants to show cause by substantial justification why the Court should not impose a remedial order against the Defendants for their failure to provide the Plaintiff with any Rule 26(c) disclosures.” Plaintiff’s Motion at p. 2. Because the “suggestion” sought relief from the Court, the Court noted it, as plaintiff should have, as a motion to compel.

Plaintiff filed his suggestion on January 12, 2006, and stated that as of that date, defendants had not provided him with *any* initial disclosures. Plaintiff's Motion at p. 1 (emphasis added). Defendants' initial disclosures, however, are part of the Court's record and were filed on January 10, 2006. Plaintiff conceded in the parties' joint status report, filed on January 20, 2006, that he received defendants' initial disclosures on January 10, 2006, but

ORDER DENYING MOTION  
TO COMPEL - 1

1 argues that they were incomplete.

2 Based on those facts, on January 18, 2006, defendants' counsel sent plaintiff two e-mails  
3 requesting that he withdraw this motion. Declaration of Randolph Gordon (Dkt. #94), Exs. 1, 3.  
4 Plaintiff did not respond or withdraw the motion. Plaintiff filed a reply to the motion, arguing  
5 that defendants had not responded to the motion and continuing to request an order to compel.

6 The Court finds that defendants provided plaintiff with their initial disclosures on January  
7 10, 2006, before plaintiff filed this motion. Accordingly, the Court DENIES "plaintiff's  
8 suggestion that court enter show cause order." (Dkt. #76).

9 Defendants request that the Court impose sanctions based on plaintiff's filing of his  
10 motion after he received the initial disclosures. Plaintiff has multiplied and obstructed the  
11 proceedings by filing a motion to compel production of initial disclosures after he had already  
12 received them, and by failing to withdraw his motion after acknowledging that he had received  
13 them. Moreover, plaintiff has misrepresented a material fact to the Court. He alleged in his  
14 motion that defendants had not provided any initial disclosures, when in fact they had.  
15 Plaintiff's conduct has vexatiously multiplied the proceedings, increased costs, and wasted both  
16 the Court's and the defendants' resources. Accordingly, the Court imposes sanctions for filing  
17 this frivolous motion in the amount of \$500.00 to be paid to defendants within twenty days of  
18 the date of this order.

19  
20 DATED this 31st day of January, 2006.

23   
24 Robert S. Lasnik  
25 United States District Judge  
26  
27  
28